

***Delaware Health Resources Board  
Meeting Minutes  
Thursday, August 27, 2015 2:30 PM  
DelDOT Administration Building  
Farmington/Felton Conference Rooms  
800 Bay Road  
Dover, Delaware 19901***

***Board Members Present:***

William Love, Acting Chair; Lynn Fahey; Leighann Hinkle; Vincent Lobo, MD; Suzanne Raab-Long; Yrene Waldron; John Walsh; and Gina Ward.

***Board Members Absent:*** David Hollen; Bettina Riveros; Jill Rogers; Harold Stafford; and Mark Thompson.

***Staff Present:*** Marlyn Marvel; Joanna Suder; and Latoya Wright.

***Call to Order and Welcome:***

Acting Chair, William Love, welcomed the Board members and called the meeting to order at 2:30 p.m. He introduced Laura Howard, the new Executive Director of the Delaware Health Care Commission.

***July 23, 2015 Meeting Minutes:***

John Walsh made a motion to approve the July 23, 2015 Delaware Health Resources Board meeting minutes. Lynn Fahey seconded the motion. There was a voice vote, from which Leighann Hinkle, William Love and Suzanne Raab-Long abstained. Motion carried.

***Updates***

**SUN Behavioral Health CPR Application Status**

Suzanne Raab-Long recused herself and left the room.

Mr. Love stated that the Review Committee met on Tuesday, August 25, 2015 to review the SUN Behavioral Health CPR application to construct a 90 bed inpatient psychiatric hospital in Georgetown.

Several requests were received for a public hearing. Those requests were from Universal Health on behalf of Rockford Center, Meadowwood and Dr. Gerard Gallucci on behalf of the Division of Substance Abuse and Mental Health (DSAMH). The staff is in the process of scheduling the hearing with a preference in the Georgetown area if available. The tentative date for the hearing is September 22, 2015 at 2:00 p.m. A public notice will be published with the information.

The staff also received letters of support in favor of SUN Behavioral Health's proposal, which were included in the Board's meeting materials for review.

Following the public hearing there will be one additional Review Committee meeting to discuss the comments made at the hearing. The Committee's recommendation will be presented to the full Board at the October meeting for review.

### Charity Care Reports

Ms. Raab-Long rejoined the meeting.

Mr. Love stated that Charity Care reports were received from Delaware Surgery Center and Delaware Outpatient Surgery Center. Copies of the reports were distributed to the Board for review. According to the Health Resources Management plan, freestanding surgery centers are required to provide charity care in the amount of two percent of the total gross charges.

Mr. Love stated that according to the report the Delaware Surgery Center met the two percent threshold; however, the Delaware Outpatient Surgery Center was below the threshold. The Board discussed the next steps.

Mr. Walsh stated that the Health Resources Management Plan states that the Board can request further information and/or an explanation for not meeting the threshold.

### *Action*

Mr. Walsh made a motion that the Board request further information with an explanation of why the threshold was not met, as well as a plan of correction. Yrene Waldron seconded the motion. There was a voice vote. Motion carried.

Mr. Love stated that the staff will send a letter to the Delaware Outpatient Surgery Center asking for an explanation of not meeting the threshold and a plan of correction.

### ***Upcoming Items Before the Board***

Susanne Raab-Long, Yrene Waldron and Gina Ward recused themselves and left the room.

### Notice of Intent (NOI) Alfred I Dupont Nemours

Mr. Love stated that a Notice of Intent was received for Alfred I Dupont Nemours to purchase a PET scanner for \$5.5 million. The application is forthcoming.

### Notice of Intent (NOI) Milton Health and Rehabilitation (SNF)

Mr. Love stated that a Notice of Intent was received for Milton Health and Rehabilitation to construct a 140 bed skilled nursing facility in Milton, DE. Receipt of the proposal is anticipated sometime this year.

Ms. Raab-Long, Ms. Waldron and Ms. Ward rejoined the meeting.

### ***Other Business***

Ms. Raab-Long recused herself and left the room.

### NOI Christiana Care Kitchen Project

Latoya Wright stated that Christiana Care submitted a Notice of Intent to remodel the hospital kitchen. The anticipated expenditure is \$9.2 million, of which \$2.4 million is directly related to equipment.

Christiana Care is requesting an exemption from the CPR process. Per statute the Board may exempt from review “capital expenditures when determined to be necessary for maintaining the physical structure of a facility and not related to direct patient care. A notice of intent filed pursuant to § 9305 of this title, along with any other information deemed necessary by the Board, shall provide the basis for exempting such capital expenditures from review.”

Christiana Care is requesting this exemption due to the fact that the project is necessary for maintaining the plant/ kitchen and it is not related to patient care. This is not related to the current pending NOI for the Women's and Children's Center.

#### *Discussion*

Ms. Waldron stated that she understands that the patient care itself is not going to be affected or impacted by the renovation of the kitchen; however, quality outcomes for those patients will be affected because they have their meals and their special diets. She asked the Board to consider requesting them to submit progress reports because dietary is a vital part of patient care in any health care setting.

Mr. Walsh stated that he would like to know where the funds will come from.

Ms. Waldron asked if this renovation is just the Christiana Hospital, or the Wilmington site or the whole Christiana Care system.

John Rhodes, Senior Health Planner for Christiana Care and Jeff Miller, Senior Project Manager for Christiana Care joined the Board at the table to respond to their questions.

They stated that the funds will come from their normal capital budget for operations. There will not be any borrowing.

The renovation is just the Christiana Hospital's kitchen. The kitchen will remain open with the same dietary issues, which is why the project will take two years and four months to complete. It will be done in stages while the patients continue to be provided with the same service. There will not be any change in the menu and the patients will not even know that this is happening.

#### *Action*

Mr. Love made a motion that the Board waive the requirement for a full application from Christiana Care for this project. In lieu of that they will request a progress report each six months from the beginning of the project until the end, to include progress on the project itself, next steps in the project and whether they are still within the budget or there are any budget issues. Mr. Walsh seconded the motion. There was a voice vote, from which Ms. Raab-Long was recused. Motion carried.

Ms. Raab-Long rejoined the meeting.

The staff will send a formal letter to Christiana Care.

#### Genesis/Eden Hill Case

Joanna Suder stated that the Genesis/Eden Hill case is going to be an oral argument before the Supreme Court on October 14, 2015 at 10:00 a.m. with live video feed. The live video can be accessed by visiting [www.courts.delaware.gov](http://www.courts.delaware.gov) and selecting "Supreme Court". There should be a decision by the November meeting of the Health Resources Board. The decision could possibly be appealed to the United States Supreme Court.

### Public Integrity Commission

Ms. Suder stated that a few Board members have expressed interest in speaking with the Public Integrity Commission for some advice. She asked the Board to let her know who is interested and she will work with the Commission to set up meetings. Ms. Raab-Long, Ms. Waldron and Mr. Walsh are interested in meeting with the Public Integrity Commission.

### ***Public Comment***

State Representative Ruth Briggs King encouraged the Board to hold the public hearing regarding the SUN Behavioral Health application in Sussex County so that those who are most affected or impacted by it would have the ability to attend.

Suzanne Raab-Long recused herself and left the room.

Representative Briggs King stated that the first 20 years of her career were devoted to the medical community. During that time she saw the challenges that Delaware faced with mental health needs; particularly in Sussex County. As the years passed she became the primary care giver for someone who suffered from depression and later from Alzheimer's. Since becoming elected one of her primary objectives was to improve not only the quality of care but the access for mental health services in Sussex County. The distance that they have to travel to get the continuum of care that is needed presents certain barriers in itself between transportation and between those involved in the care that is needed. She was delighted when she heard there was going to be an application to bring beds to Sussex County.

Mr. Love stated that the staff is trying to schedule the hearing in Sussex County and the tentative date is September 22, 2015.

### ***Action***

Ms. Waldron made a motion that the meeting be adjourned. Mr. Walsh seconded the motion. There was a voice vote. Motion carried.

### ***Next Meeting***

The next Health Resources Board meeting will be held in the Farmington/Felton Conference Rooms on the first floor of the Department of Transportation Administration Building, 800 Bay Road, Dover on Thursday, September 24, 2015 at 2:30 p.m.

### ***Adjourn***

The meeting adjourned at 3:15 p.m.

***Guests Attending***

Jennifer Anderson  
Michelle Clark  
Jean Constant  
Doug Gramiak  
Ruth Briggs King  
William Mason  
Jeff Miller  
Sam Noel  
John J. Rhodes

DSC  
Bayhealth Medical Center  
UHS, Inc.  
Young Conaway Public Strategies  
State Representative  
Meadow Wood Behavioral Health  
Christiana Care  
Carpenters Rep 626  
Christiana Care